

1 ROB BONTA, State Bar No. 202668
Attorney General of California
2 TIMOTHY E. SULLIVAN, State Bar No. 197054
Supervising Deputy Attorney General
3 SOMERSET PERRY, State Bar No. 293316
Deputy Attorney General
4 1515 Clay Street, 20th Floor
P.O. Box 70550
5 Oakland, CA 94612-0550
Telephone: (510) 879-0852
6 Fax: (510) 622-2270
E-mail: Somerset.Perry@doj.ca.gov
7

Attorneys for Plaintiffs
8 *Department of Toxic Substances Control and the*
9 *Toxic Substances Control Account*

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF CALIFORNIA
12

13 **CALIFORNIA DEPARTMENT OF TOXIC**
14 **SUBSTANCES CONTROL and the TOXIC**
15 **SUBSTANCES CONTROL ACCOUNT,**

16 Plaintiffs,

17 v.

18 **CHEVRON ORONITE COMPANY LLC;**
19 **SHELL OIL COMPANY; and ATLANTIC**
RICHFIELD COMPANY,

20 Defendants.
21
22
23
24
25
26
27
28

Case No. 2:21-cv-01737-TLN-JDP

**STIPULATION AND [PROPOSED]
ORDER TO FURTHER EXTEND
DEFENDANTS' DEADLINE TO
RESPOND TO THE COMPLAINT**

Judge: Hon. Troy L. Nunley
Trial Date: None Set
Action Filed: September 24, 2021

1 WHEREAS Plaintiffs California Department of Toxic Substances Control and the Toxic
2 Substances Control Account (“Plaintiffs”) filed their complaint on September 24, 2021;

3 WHEREAS all named defendants agreed to waive service of the summons by signing a
4 Notice of Lawsuit and Request to Waive Service of Summons effective December 16, 2021;

5 WHEREAS as a result of the waiver of service, the initial deadline for Defendants to
6 respond to the complaint was February 14, 2022;

7 WHEREAS Plaintiffs agreed to extend that initial deadline for Defendants to respond to the
8 complaint by twenty-eight (28) days from that date, and the parties filed a stipulation for that
9 purpose (Dkt. No. 10), extending Defendants’ time to respond to the complaint to March 14,
10 2022;

11 WHEREAS the IT Sites Cooperating Generators Joint Defense Group (“Joint Defense
12 Group”), of which all Defendants are members, and Plaintiffs have been engaged in settlement
13 negotiations regarding this matter and three other similar cases, each involving claims related to
14 hazardous waste disposed at landfills that were formerly managed by the IT Corporation and are
15 now overseen by the IT Environmental Liquidating Trust (“ITELT”), an entity created in the IT
16 Corporation bankruptcy. The negotiations are complex due to the multiple sites and different
17 defendants, and the benefits of resolving the cases in unison due to ITELT’s responsibility for
18 each site. Extending the time for the filing of responsive pleadings would allow the negotiations
19 to proceed without need for further litigation or judicial resources; and,

20 WHEREAS Plaintiffs have agreed, pursuant to Local Rule 144(a), to further extend
21 Defendants’ deadline to respond to the complaint by 91 days;

22 THEREFORE, the parties respectfully request that the Court extend the deadline for
23 respond to the complaint by 91 days to June 13, 2022.

1 Dated: March 8, 2022

Respectfully submitted,

2 ROB BONTA
3 Attorney General of California
4 TIMOTHY E. SULLIVAN
5 Supervising Deputy Attorney General

6 */s/ Somerset Perry*
7 SOMERSET PERRY
8 Deputy Attorney General
9 *Attorneys for Plaintiffs*
10 *Department of Toxic Substances Control*
11 *and the Toxic Substances Control Account*

12 Dated: March 8, 2022

ROGERS JOSEPH O'DONNELL

13 */s/ Robert C. Goodman*
14 (as authorized on March 8, 2022)

15 Robert C. Goodman
16 *Attorneys for Defendant Chevron Oronite*
17 *Company LLC*

18 Dated: March 8, 2022

SHELL OIL COMPANY

19 */s/ Tonya L. Lewis*
20 (as authorized on March 8, 2022)

21 Tonya L. Lewis
22 *In-house Counsel for Defendant*
23 *Shell Oil Company*

24 Dated: March 8, 2022

MILLER NASH LLP

25 */s/ Trajan Perez*
26 (as authorized on March 8, 2022)

27 Trajan Perez
28 *Attorneys for Defendant Richfield Company*

[PROPOSED] ORDER

IT IS SO ORDERED.

DATED: _____, 2022

By: _____
Hon. Troy L. Nunley
United States District Judge

OK2021604219
91470157.docx

CERTIFICATE OF SERVICE

Case Name: *California Department of Toxic Substances Control, et al. v. Chevron Oronite Company LLC, et al.* No. 2:21-cv-01737-TLN-JDP

I hereby certify that on March 8, 2022, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

- **STIPULATION AND [PROPOSED] ORDER TO FURTHER EXTEND DEFENDANTS' DEADLINE TO RESPOND TO THE COMPLAINT**

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.


I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

I further certify that some of the participants in the case are not registered CM/ECF users. On March 8, 2022, the foregoing document(s) have been mailed in the Office of the Attorney General's internal mail system, by First-Class Mail, postage prepaid to the following non-CM/ECF participants

Tonya Lewis
Shell Oil Company
150 N Dairy Ashford #F0624D
Houston, TX 77079
Attorney for Defendant
Shell Oil Company


I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on March 8, 2022, at Oakland, California.

Maritza Padilla
Declarant for eFiling


Signature

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on March 8, 2022, at Oakland, California.

Stephanie Williams
Declarant for Service by U.S. Mail


Signature